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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,991	07/26/2000	Timothy Brown	05156.00012	8490

22909 7590 11/17/2003

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 11/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/625,991

Applicant(s)

BROWN, TIMOTHY

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Remarks

1. In response to communications filed on 22-September-2003, claims 1-2 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al (U.S. patent No. 6,167,395) in view of Rich et al (U.S. Patent No. 5,918,228), and further in view of Jain et al (U.S. patent No. 5,915,250.)

As to claim 1, Beck et al teaches an apparatus (see Abstract) for using a floating pallet (see column 34, lines 32-34, where "floating pallet" is read on "pop-up editing window") for a system in a plurality of different applications (see column 8, lines 9-24), comprising:

means for creating the floating pallet for the system in one of the plurality of different applications wherein the floating pallet uses the properties and behaviors of a selected

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application (see column 50, lines 15-19, where “properties and behaviors” is read on “characteristics”); and

means for indicating that a file has been transferred from the system to the selected application (see column lines 63-67, and see column 43, lines 14-29.)

Beck et al does not teach means for creating a single extension plug in to interface with API's of all of the plurality of different applications, wherein the extension plug-in communicates with the system.

Rich et al teaches a method of obtaining secure access to web documents (see Abstract), in which he teaches creating a single extension plug in to interface with API's of all of the plurality of different applications (see column 4, lines 34-48, where “creating a single extension plug in” is read on “providing for a plug in”), wherein the extension plug-in communicates with the system (see column 2, lines 24-27, and see column 4, lines 49-59.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Beck et al to include means for creating a single extension plug in to interface with API's of all of the plurality of different applications, wherein the extension plug-in communicates with the system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Beck et al by the teaching of Rich et al, because means for creating a single extension plug in to interface with API's of all of the plurality of different applications, wherein the extension plug-in communicates with the system, would enable the system to access various components and/or applications within a remote/distributed system via the programming interface for such applications.)

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Beck et al as modified still does not teach the floating pallet interfacing with a digital asset management system.

Jain et al teaches a system and method for content-based search and retrieval of visual objects (see Abstract), in which he teaches a digital asset management system (see column 3, lines 59-63) interfacing with other applications through plug-ins (see column 4, lines 13-18) and APIs (see column 6, lines 31-41.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Beck et al as modified to include the floating pallet interfacing with a digital asset management system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Beck et al as modified, by the teaching of Jain et al, because the floating pallet interfacing with a digital asset management system, would enable the user to utilize the search and retrieve capabilities of the floating pallet, from his/her computer to access and search a variety of databases, including those of digital asset management systems, in order to search, retrieve, and view results from various databases storing digital (image, audio, visual, etc.) data.

As to claim 2, Beck et al as modified teaches the apparatus further comprising:

means for using the floating pallets (see Beck et al, column 4, lines 62-64 where “floating pallet” is read on “threading software application”) to request a search (see Becket al, column 4, lines 65-66) of digital assets (see Jain et al, column 4, line 58 through column 5, line 3)

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using user entered search criteria (see Beck et al, column 49, line 66 through column 50, line 5”);

means for transferring the search criteria (Beck et al, column 31, lines 4-12) to the digital asset management system through the extension plug-in (see Jain et al, column 4, lines 13-19);

means for performing the search (see Beck et al, column 32, lines 38-40) and creating a list of results (see Beck et al, column 32, lines 55-61, and see column 47, lines 45-50);

means for transferring the list of results back to the application through the extension plug-in (see Beck et al, column 33, lines 3-12, and see column 34, lines 52-59); and

means for displaying the list of results in the application (see Beck et al, figure 16, where **researcher 320** is illustrated, and see column 47, lines 43-46.)

Response to Arguments

4. Applicant's arguments filed on 22-September-2003 with respect to claims 1-2 have been considered but are not found to be persuasive:

In response to applicant's arguments that “a single extension plug in to interface with API's of all of [a] plurality of different application” is not “taught or suggested by Beck et al. patent”, the arguments have been fully considered but are not found persuasive, because as indicated in the previous office action, the examiner relied on Rich et al for this teaching (see Rich et al, column 2, lines 24-27; and see column 4, lines 34-48; and lines 49-59.)

In response to applicant's argument that "the examiner has not referred to a teaching or suggestion in the Beck et al. patent that would indicate that the pop-up editing window can concurrently interface to multiple applications, as recited in the claims", the arguments have been fully considered but are not found persuasive, because the term "*concurrently interface*" is not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments that "there is no teaching or suggestion in the Beck et al. patent that the pop-up editing window can 'float' over (i.e. be displayed in conjunction with) multiple applications", the arguments have been fully considered but are not found persuasive, because it is inherent that "pop-up" windows are "popped" in conjunction with other windows being displayed, therefore, they "float" over any existing windows on the screen.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until

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after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

November 3, 2003


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